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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,876	02/16/2001	Keith Homer Baker	8427	9097

27752 7590 11/29/2002

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EXAMINER

ELHILO, EISA B

ART UNIT	PAPER NUMBER
1751	(1)

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/785,876	BAKER ET AL.
	Examiner Eisa B Elhilo	Art Unit 1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 September 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 and 27-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>10</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

- 1 This action is responsive to the amendment filed on September 25, 2002.
- 2 The cancellation of claims 13-26 is acknowledged. Pending claims are 1-12 and 27-31.
- 3 Claims 1-12 and newly added claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. (US 5,306,435), for the reasons set forth in the previous Office ^{paper} action in page No. 8 dated 06/19/2002.

Response to Applicant's Arguments

- 4 Applicant's arguments filed 9/29/2002 have been fully considered but they are not persuasive.

With respect to the rejection based upon Ishikawa (US' 435), Applicant argues that the reference teaches a treating agent for treating leather, flu and fibrous material to provide dimensional stability. The applicant also argues that the reference does not teach a composition that comprises a polymeric soil release agent and a spreading agent as claimed. The applicant further, argues that the reference teaches sodium salt of carboxymethylcellulose as an example of a suitable emulsion stabilizer. Furthermore the applicant argues that the reference does not teach or suggest any soil release property of the sodium salt that could be used in an amount effective to provide soil release benefit.

The examiner respectfully disagrees with the above arguments because the reference teaches a composition for treating leather such as shoes (see col. 12, lines 31-36). The reference also, teaches a composition comprising ingredients such as carboxymethylcellulose (soil release agent) and nonionic surfactants (spreading agent) in the amount of 0.0 to 40% preferably 0.2 to 30% that falls within the claimed ranges as claimed in claims 30 and 31 (see col. 3, lines 58-61)

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and used for cleaning purposes such as cleaning dirt (see col. 23, lines 61-62). Therefore, it would have been obvious to the skilled person in the art to make such a composition for treating and cleaning shoes by optimizing the amounts of the ingredients such as carboxymethylcellulose as claimed in claims 27-29 in the composition in order to get the maximum effective amount for treating and cleaning shoes since the reference teaches and discloses a composition for cleaning dirt comprising similar ingredients to those claimed. Therefore, the prima facie case of obviousness has been established.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B Elhilo whose telephone number is (703) 305-0217. The examiner can normally be reached on M - F (7:30-5:00) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Elhilo *E. Elhilo*
November 21, 2002

Yogendra N. Gupta
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